

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

COLONEL JAMES MCGINN,

Plaintiff,

v.

EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS, ET AL.,

Defendants.

CIVIL ACTION NO. 1:19-cv-11551-DLC

DEFENDANT MATTHEW BEATON'S MOTION TO DISMISS

Now comes Defendant, Matthew Beaton ("Secretary Beaton") in his individual capacity and respectfully requests that this Honorable Court dismiss this action against him. As grounds therefore, Secretary Beaton states that the Plaintiff has failed to state a claim upon which relief may be granted, as required by Rules 8 and 12(b)(6) of the Federal Rules of Civil Procedure. In support of this Motion, Secretary Beaton incorporates by reference and relies upon its Memorandum in Support, which is filed herewith.

MATTHEW BEATON

By His Attorneys,

/s/ Douglas T. Radigan

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REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Secretary Beaton requests oral argument on this Motion.

CERTIFICATE OF SERVICE

I certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 15, 2019.

/s/ Douglas T. Radigan

Douglas T. Radigan